

ALPINE ZONING BOARD OF ADJUSTMENT

Thursday, June 21, 2012 - 7:30 P.M.

(This meeting was taped in its entirety).

CALL TO ORDER/PLEDGE OF ALLEGIANCE/PUBLIC ANNOUNCEMENT

This regular meeting of the Alpine Zoning Board of Adjustment was called to order by Chairman Richard Glazer at 7:30 p.m., Thursday, June 21, 2012 at the Alpine Borough Hall, the Pledge of Allegiance recited and the Public Announcement read according to the requirements of the Sunshine Law: *In accordance with the provisions of the Open Public Meetings Law, the notice of this regular meeting held Thursday, June 21, 2012 has met the requirements of the law by being published in The Record as part of the Annual Notice on January 6, 2012, posted on the bulletin board in the lobby of the Borough Hall and a copy filed in the office of the Borough Clerk.*

ROLL CALL *Mr. Barbieri arrived on time but was permitted to leave as a full Board was present.

Richard Glazer	<i>Present</i>	Bob Burns	<i>Present</i>
Tony Clores	<i>Present</i>	David Kupferschmid	<i>Absent</i>
Ann Ronan	<i>Present</i>	Richard Bonhomme	<i>Present</i>
Larry Shadek	<i>Present</i>	Steve Cohen, Alt I	<i>Present</i>
		Anthony Barbieri, Alt II	<i>Excused*</i>

Present on the dais: Michael Kates, Board Attorney, Gary Vander Veer, Borough Engineer, Nancy Wehmann, Board Secretary

COMMUNICATIONS Mr. Vander Veer noted correspondence reviews applicants' compliance with conditions as set by the Board:

- 1) From Borough Engineer 5-22-2012 Follow-up Kogan 39.01/9.06
 - 2) From Hubschman Engineering 6-7-2012 Follow-up Patel 121/3
 - 3) From Borough Engineer 6-14-2012 Review of Patel 6-7-2012 submission
- Mr. Vander Veer further noted that Mr. Hubschman had submitted a copy of a DEP letter affirming DEP's response regarding riparian zone issues.

APPROVAL OF MINUTES **Resolution: Regular Meeting May 17, 2012** Upon a motion by Mr. Bonhomme, seconded by Mr. Clores and approved by all those eligible to vote at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, June 21, 2012 to approve the minutes of the regular meeting held on May 17, 2012.

MOTION CARRIED

CONTINUED HEARINGS The following matters are being carried to the July 19, 2012 meeting due to a conflict in the schedule of the applicants' attorney.

ALPINE CITGO BLOCK 49 LOT 8 – 1026 Closter Dock Road – No further notice required.

SABATHIA BLOCK 71 LOT 22 – Litchfield way – Notice was sent to residents within 200 feet for the May meeting where it was also noted the meeting would be carried to July 19, 2012. Prior newspaper notice had a fatal flaw and must be re-done.

NEW BUSINESS - SIBONI Block 22 Lot 1 – 6 Tulip Tree Lane

David M. Watkins, Esq. having offices at 285 Closter Dock Road; P.O. Box 304, Closter, NJ 07624 appeared on behalf of the applicants, Judy and Sylvain Siboni, PO Box 696 Alpine, NJ 07620 along with **Michael Hubschman, PE, PP** 263 A S. Washington Street, Bergenfield, NJ 07621. No one else was present to speak to this application.

The application seeks a use variance N.J.S.A. 40:55-70(d) from Borough ordinances 220 9D and 220 9E for disturbance of the 200 foot Buffer Zone along Route 9W to permit construction of a berm, plantings and drainage devices to screen views and noise from the major highways. A proposed pool with patio is located outside of the Buffer Zone and does not require relief. The following list of exhibits was acknowledged for the record:

- A – 1 Proof of Publication 6-11-2012 The Record
- A – 2 Notice to Residents within 200'feet 6-8-2012 based on Tax Assessor List 4-5-2012
- A - 3 Application received 5-22-2012 signed by owner includes:
 - Proposal & reason for relief
 - Zoning Officers letter dated 5-16-2012
 - 200' Property Owners list from Tax Assessor dated 4-5-2012
 - Proof taxes paid through 2012 2Q
- A - 4 Six photos provided by Michael J. Hubschman PE Hubschman Engineering dated 4/17/2012 labeled P15, P16, P13, P14, P5, P6
- A – 5 Engineering Plans consisting of one page provided by Michael J. Hubschman PE Hubschman Engineering 263 A S. Washington Avenue, Bergenfield, NJ 07621 dated 4-23-2012 Revision 1 "Per AF Letter dated 5-30-2012" dated 6-4-2012: Sheet 2958-1 entitled "Pool Plan; 200 Ft. Buffer Zone Planting Plan
- A – 6 Drainage Report dated 6-4-2012 prepared by Michael J. Hubschman of Hubschman Engineering
- A – 7 Letters from Borough Engineer dated May 30, 2012
- A – 8 Letter from Borough Engineer dated June 7, 2012
- And added during the course of these proceedings:*
- A – 9 Colored rendering of A-5 (*exhibit not retained by the Board*)

Mr. Hubschman was sworn and deemed qualified to provide expert testimony in the fields of professional engineering and planning. The property is a corner lot fronting on three streets: Route 9W, The Esplanade and Tulip Tree Lane. Existing on the lot is a single family house, driveway, patio, old macadam basketball court to the north and a shed. The shed and a portion of the court are within the 200 foot buffer zone. To the rear there is some lawn area. The remaining property is lightly wooded. An existing evergreen buffer runs along The Esplanade (south side) of the property.

They propose to plant a screen of four foot high Leyland Cypress trees atop a four foot high berm. As the interior area collects water they plan to install two drains and a pipe. The proposed requires review and a variance per ordinances §220-9d&e:

§220-9d Landscaping. In areas where land is still in its natural state within the buffer, the area shall be left in its natural state, except as otherwise noted in Subsection E. Where the Board of Adjustment determined that landscaping is to be provided, plantings shall be provided to form an effective year-round visual and noise screen within the buffer zone.

§220-9e Development and utilities. The buffer zone may only be used for public or private natural conservation areas except for the purposes of installing utility connections subject to a finding by the Board of Adjustment that the disturbance to buffer zone is minimized to the extent practicable. The Board of Adjustment shall determine that if landscaping is to be provided in conjunction with a utility connection, the plantings shall be provided to form an effective year-round visual and noise screen within the buffer zone.

Mr. Hubschman observed that while onsite you hear a lot of traffic noise from Route 9W and the Palisades Interstate Parkway. The proposed is in keeping with the intent of the ordinance to provide "an effective year-round visual and noise screen" for the applicant and a visual screen for highway motorists. The berm will help cut down on the noise. Currently there are few evergreens in this area where the proposed plantings will stay green all year. The berm will be four feet high and ten feet wide. No tree removal is required as the berm will weave around the existing trees. There are a lot of stumps and dead or dying trees because water pools in the rear area. The proposed drainage is designed to help with that. The application will have no impact as they're planting an area that's supposed to be a year round visual screen.

No neighbors were present to comment or question the application.

The Board raised questions and concerns regarding fate of the existing natural state of the buffer and size, location and purpose of the berm. Concern was expressed regarding impact of the berm on a number of existing substantially sized trees. Mr. Hubschman observed existing growth between the trees consists of weeds, scrubby, thorny bushes, and poisonous vines. There is only three feet of dirt over solid rock. The berm will provide additional depth to keep roots in good soil and above groundwater. Ms. Ronan stated the buffer zone is not supposed to include berms. Mr. Bonhomme expressed concern that the plantings would be strangled by natural growth over time as seen in other areas along 9W. Ms. Ronan offered their objectives could still be achieved with the plantings moved closer to the house, disturbing less of the Buffer Zone. She added the term "weeds" should not be construed as a negative in this context as they are part of the natural state which is the Buffer Zone; not something they want to disturb. Mr. Watkins called the existing vegetation "junk" which led Mr. Kates to observe that one person's "junk" is another person's natural conservation area. Mr. Glazer would have liked testimony from a landscape expert as to impact.

Exploring options, Mr. Hubschman finally offered to decrease the size of the proposed berm to a height of 1 – 2 feet with about a six foot width. They would move it closer to the house, about ten to twenty feet east of the two proposed drains extending to the stabilized construction access. He assured the access point as noted would be temporary and revegetated. Mr. Cohen suggested, as this plan would require fewer trees, they could perhaps use taller trees at the same cost. Mr. Hubschman agreed.

Mr. Burns questioned the shed's location in the Buffer Zone. Mr. Watkins stated he had checked and permits were issued for the fence and the shed years ago by an earlier Building Official. He stated they would be removing the old macadam basketball court to reduce the improved coverage.

Mr. Vander Veer questioned the slope and stabilization plan for the modified berm. Mr. Hubschman proposed a 1:1 slope. This would require a waiver but, as noted by Mr. Vander Veer, is preferable in this instance as it would reduce the area of

disturbance. Mr. Hubschman offered the berm could be stabilized with mulch or hay. In response to Mr. Vander Veer's concern that erosion could eventually expose the roots, Mr. Hubschman agreed to use stabilization fabric. The amount of soil to be moved will not require Board approval but is enough that they must submit an application for review by the Borough Engineer and obtain the permit (>100<1,000 c.y.).

Mr. Kates noted any approval would be subject to submission of the revised plan for Mr. Vander Veer's review. Mr. Husbchman agreed to submit revised plans depicting six foot high trees on an 18 inch berm with soil erosion fabric on the sides of the 1:1 slope in the new location. Mr. Watkins reminded he needs five affirmative votes for approval.

RESOLUTION: Upon a motion by Mr. Clores, seconded by Mr. Cohen at this regular meeting of the Alpine Zoning Board of Adjustment held on June 21, 2012 to approve the application of Mr. Siboni Block 22 Lot 1 6 Tulip Tree Lane subject to provision of revised plans for review by the Borough Engineer that clearly depict the size and location of the plantings and reducing the size of the berm height to 12-18 inches, in addition to compliance with all other reasonable requirements of the Borough Engineer.

VOTES: AYES: Mr. Burns, Mr. Cohen, Ms. Ronan, Mr. Shadek, Mr. Clores, Mr. Glazer

NAYS: Bonhomme

MOTION CARRIED

MEMORIALIZATION- PATEL BLOCK 121 LOT 3 – 405 ROUTE 9W

Attorney Kates circulated and reviewed a resolution memorializing action taken at the May 17, 2012 meeting. Mr. Kates reminded the applicant subsequently demonstrated compliance with a Board condition that NJDEP approve the plan re:wetlands.

Upon a motion by Mr. Clores, seconded by Mr. Burns at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, June 21, 2012 to memorialize a resolution for Ceeje Patel approving an application for a use variance permitting a driveway in the Buffer District, a waiver from Code Sec. 205 to permit seepage pits in the tree buffer about ten feet from the southerly property line and a soil moving permit subject to conditions as outlined in the resolution for his property located at 405 Route 9W designated as Block 121 Lot 3 on the Tax Assessment Map of Alpine, New Jersey, Bergen County.

VOTES: AYES: Mr. Bonhomme, Mr. Burns, Mr. Cohen, Mr. Clores **MOTION CARRIED**

A copy of the resolution is appended to these minutes.

A signed copy was provided to Applicant's Attorney Mr. Watkins at this meeting. Attorney Watkins thanked Attorney Kates for the courtesy of providing him with a draft copy of the resolution prior to the meeting.

PROCEDURAL MOTIONS

Resolution: Approval of Bills and Claims Upon a motion by Mr. Clores, seconded by Mr. Burns and approved by all those eligible to vote at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, June 21, 2012 to approve the following Bills and Claims:

Kates, Nussman et al	2-01-21-185-021	Inv. 16749 retainer	400.00
Kates, Nussman et al	Patel 121/3	Inv. 16750 (Escrow)	756.00
Azzolina & Feury Engineering	Patel 121/3	Inv. 57781(Escrow)	267.50

Azzolina & Feury Engineering	Kogan 39.01/9.05	Inv. 57792 (Escrow)	80.25
Azzolina & Feury Engineering	Sabathia 71/22	Inv. 57799 (Escrow)	294.25
Azzolina & Feury Engineering	Siboni 22/1	Inv. 57805 (Escrow)	535.00
North Jersey Media Group	Kogan 39.01/9.05	Ref. 3298683 (Escrow)	17.01

MOTION CARRIED**COMMUNICATIONS**

Mayor Tomasko was invited to address the Board. He thanked the Board for their participation on Memorial Day, reported he had attended this week's graduations at the Alpine School and Tenafly High School and that Anderson Avenue was recently repaved. He noted Closter faces challenges reconciling conflicting interests over the fate of the Brooks Farm on Hickory Lane. Hickory Lane, an access from Anderson Avenue to Piermont Road, remains in poor condition. It was postulated the residents themselves have resisted repaving as a means discourage traffic.

Mr. Shadek questioned ways to get the Palisades Interstate Parkway to remediate the horrible road conditions that exist for about a mile coming north from the bridge. Ms. Ronan heard damage claims should be submitted to the PIP headquarters for reimbursement. Mayor Tomasko advised southbound lanes of the PIP will be closed August 11 for an Ironman Triathlon.

Mr. Glazer initiated a discussion on generator installations. He and Mr. Cohen are looking into installing small generators but need a variance to locate them in the side yard. He understands neighboring towns have or are contemplating legislation to permit smaller size generators in a side yard much like an air conditioner (AC). The ordinances are silent regarding generators thus the Zoning Officer treats them as an accessory structure although this appears on face to be an inconsistent application as AC units are permitted. Mr. Cohen asked if the process could be easier. The Mayor noted the Board typically makes recommendations regarding ordinances in their annual report at year's end based on experience with a number of variance requests justifying a need; this would only be the first instance. Mr. Clores and Mr. Shadek recalled they had to install generators in the rear yard. Mr. Clores had felt the ideal location for his was the side yard but at the time felt the variance procedure would have taken too much time and money for such a small project. Mr. Vander Veer noted other applications where requests have been withdrawn and the generators relocated to the rear yard. Discussion touched on the noise issues of generators relative to air conditioners where it was noted generators, which can reach levels of 60-66 db, typically run for shorter periods than the ACs and can be screened and buffered. The units can be comparable in size. Mr. Cohen felt the process should be easier. Mr. Kates offered an ordinance to regulate location and setbacks relative to the size of the unit might be appropriate. The Board could submit a letter to the Planning Board requesting they review the issue.

Mr. Burns expressed appreciation for Closter's phone call advising of road closures for paving in that town.

ADJOURNMENT at 8:23 p.m. upon motion by Mr. Shadek, seconded by Mr. Clores and approved by all.

Respectfully submitted, Nancy Wehmann, Secretary